

The outstanding Office Action indicates the top surfaces of the diffusion prevention films in Alers et al are both flat. However, Applicants note in Alers et al, the top surfaces of the groove portion are flat, but as shown in Figure 2, the diffusion prevention films 44 and 48 are formed in such a manner as to extend in a meandering manner. Thus, Alers et al differs from the claimed invention.

Accordingly, it is respectfully submitted independent Claim 1 and each of the claims depending therefrom are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
David A. Bilodeau
Registration No. 42,325



22850

(703) 413-3000
Fax #: (703)413-2220
GJM/DAB/kst

I:\atty\DAB\200889us-am1.wpd

Marked-Up Copy

Serial No: 09/734,658

Amendment Filed on:

12-24-02

IN THE CLAIMS

--1. (Twice Amended) A MIM capacitor comprising:

first and second electrodes formed from a metal material;

a capacitor insulating film;

a first diffusion prevention film interposed between said capacitor insulating film and

• said first electrode to prevent diffusion of atoms constituting the metal material; and

a second diffusion prevention film interposed between said capacitor insulating film and

said second electrode to prevent diffusion of atoms constituting the metal material;

wherein [surfaces] each of said first and second diffusion prevention films [which are]

• has a flat surface directly adjacent to said capacitor insulating film [are both flat].--